

Pennsylvania Adoption Assistance General Information Fact Sheet

1. What is adoption assistance?

Adoption Assistance is financial assistance provided to adoptive parents to assist in meeting the special needs of children.

2. What benefits are provided?

Non-recurring expenses of adoption are a reimbursement payment for one-time reasonable and necessary expenses incurred by the adoptive parent that are directly related to the legal adoption of a child with special needs, and that have not been reimbursed from other sources or funds. Non-recurring expense reimbursement is limited in Pennsylvania to a maximum of \$2000. Examples of non-recurring expenses include: court costs, attorney fees, homes studies, adoption studies, health and psychological examinations, transportation and the reasonable costs of lodging and food for the child and/or adoptive parents when necessary to complete the adoption process.

Monthly payments are determined through a negotiation between the adoptive parent(s) and the county children and youth agency based on the needs of the child and the circumstances of the family. The amount of the payment cannot exceed the amount the child would have received if s/he had been in a foster family home.

Medicaid/Medical Assistance to provide for the child's medical needs.

3. What are the categories of adoption assistance?

Non-recurring Expenses of Adoption

Title IV-E (Federal Funded) Monthly Adoption Assistance

State and County Funded Monthly Adoption Assistance

Medical Assistance

4. What determines the child's eligibility?

Special Needs Characteristic

In order to qualify for Adoption Assistance, a child must meet one of the following criteria:

- ✓ Have a physical, mental or emotional condition or handicap.
- ✓ Have a genetic condition which indicates a high risk of developing a disease or handicap.
- ✓ Be a member of a minority group.
- ✓ Be a member of a sibling group who are placed together in the same adoptive home.
- ✓ Be 5 years of age or older.

Non-recurring Expenses of Adoption

Child must have a special needs characteristic,
AND

Child must be free for adoption by either:

- Termination of Parental Rights (TPR) or
- Parents deceased

AND

- Reasonable efforts were made to place the child without adoption assistance This does not mean an agency should “shop around” for a family that would adopt this child without an adoption assistance subsidy, Once the agency has determined that placement with an identified family is in the child's best interest, the agency should make full disclosure about the child's background, as well as known or potential problems. Then the agency can ask whether or not the prospective adoptive parents are willing to adopt without assistance. If they say they cannot adopt the child without adoption assistance, the requirement in section 473 (c)(2)(B) for a reasonable, but unsuccessful, effort to place the child without providing adoption assistance will be met.

Title IV-E Federal Funded Monthly Adoption Assistance

Child must meet all the requirements listed for Non-recurring Expenses
AND

Meet one of the following five circumstances:

1. Child is eligible for Aid to Families with Dependent Children (AFDC) in the removal home. This factor refers to the income and resources in the home from which the child was removed, and to the specific language required in the removal court order. The majority of private adoptions (adoptions where legal custody of the child is given directly from the biological parent to a private adoption agency or adoptive family) will not meet this requirement. County children and youth agencies will have to determine whether a child meets this criterion.
2. Child is eligible for Supplemental Security Income (SSI) as determined by the Social Security Administration claims representative. This determination must be made at the time of or before the adoption petition is filed.
3. Child is eligible as a child of a minor parent. The child's minor parent must be in foster care and receiving Title IV-E foster care maintenance payments that cover both the minor parent and the child at the time adoption petition is initiated.
4. Child is eligible due to prior Title IV-E adoption assistance eligibility.
5. Child meets the “applicable child” criteria outlined below:
 - At the time of the initiation of adoption proceedings, the child was in the care of a public or licensed private child placement agency pursuant to either a voluntary removal, in accordance with a judicial determination, to the effect that it was contrary to the child's welfare to remain in the home, or a voluntary placement agreement or voluntary relinquishment; AND
 - The child meets the ‘applicable age’ criterion any time during the Federal fiscal year (FFY) in which the adoption assistance agreement is entered. Beginning 10/1/09, the ‘applicable’ age for a child is 16 or older, (meaning: the child will turn 16, or older, by 9/30/10), and decreases by two years in each subsequent fiscal year until a child of any age meets the ‘applicable’ age requirements by the close of FFY 2018; OR
 - The child meets the ‘applicable time-in-care’ criterion by virtue of having been in foster care under the responsibility of a county children and youth agency for 60 consecutive months; OR
 - The child is a sibling of an ‘applicable’ child, by virtue of the applicable child's age or time in foster care, and is placed in the same adoption arrangement as the ‘applicable’ child.

State and County Funded Monthly Adoption Assistance

Child must meet one of the special needs characteristics above,
AND

Be in the legal custody of a public or private agency licensed by the Department,
AND

Have been in foster placement for a period of not less than six months.

Medical Assistance

Children who are eligible for Title IV-E Monthly Adoption Assistance are automatically eligible for Medicaid. If the family moves to another state, they will receive Medicaid in that state through the Interstate Compact on Adoption and Medical Assistance (ICAMA).

Children who are not Title IV-E eligible, but are eligible for State Funded Monthly Adoption Assistance must have a determination that the child can't be placed for adoption without Medicaid because the child has special needs for medical or rehabilitative care. If the family moves to another state, please note that not all states reciprocate by providing Medical Assistance to children receiving State Funded Monthly Adoption Assistance. These reciprocal arrangements are known as COBRA Reciprocity. Information on the laws in each state can be found at http://aaicama.org/cms/uploads/COBRA_Current.pdf.

4. How long is adoption assistance provided?

Adoption assistance (including Medical Assistance) continues until the date of the child's 18th birthday. Adoption assistance may stop prior to the child's 18th birthday when any one of the following circumstances occurs:

- The adoptive parent(s) and county children and youth agency **agree** to an earlier termination date than is stated in the adoption assistance agreement.
- The adoptive parent(s) is/are determined to be no longer legally responsible for the support of the child. Examples include: when the adoptive parents' parental rights have been terminated or when the child enlists in the military, marries or becomes an emancipated minor.
- The adoptive parent(s) cease(s) to provide any support for the child. Any support includes various forms of financial support that may include, but are not limited to payments for family therapy, tuition, clothing, maintenance of special equipment in the home, or services for the child's special needs.
- The adoptive parent(s) request(s) adoption assistance to permanently stop.
- The adoptive parent(s) or child pass(es) away.

5. How do I apply for adoption assistance?

You must discuss adoption assistance eligibility as early as possible. If the agency is a licensed children and youth social services agency providing adoption services to you, it is essential that the agency provide complete information to the applicable county agency. Both state and federal law and regulation require that an adoption assistance agreement must be negotiated (see fact sheet) and fully executed by the prospective adoptive parents and the county agency at or prior to the finalization of the adoption.

County children and youth agencies are responsible for making child eligibility determinations for adoption assistance. Regarding which county agency should make the determination, the following guidance is provided:

- The county that has responsibility for the placement and care of the child; or
- The county where the birth parent(s), with whom the child was living, resided when the child was placed in the custody of the private agency; or
- For abandoned children or when parents are unknown, the county where the child was located when taken into custody; or
- For children from another state, if that state does not have responsibility for the placement and care of the child, the county where the adoptive parents reside.

6. Who should I contact if I have questions about this information?

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